

CLAIM STATUS

Claims 1-8, 10-21, and 23-25 remain pending in the application with claim 1 and claim 13 being independent claims.

Claims 26-31, and 34-53 have been withdrawn from consideration while claims 9, 22, 32, and 33 have been canceled.

Claims 1-4, 6, 7, 11-16, and 18-20, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. 6,007,440 in view of Smith 1,706,680.

Claims 5 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. 6,007,440 in view of Smith 1,706,680 and Cook 4,714,251.

Claims 8 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. 6,007,440 in view of Smith 1,706,680 and Winterowd et al. 5,944,938.

Claims 10, 22, and 23 stand rejected under 35 U.S.C. §103a as being unpatentable over Bender et al. 6,007,440 in view of Burns et al. 6,506,823.

Claims 12 and 25 stand rejected under 35 U.S.C. §103 as being unpatentable over Bender et al. 6,007,440 in view of You 4,572,508.

REMARKS/ARGUMENTS

Claims 1-3, 6-8, 10-12 remain pending of which claim 1 (an independent claim) has been amended.

Claim 1 has been amended to require density variations within the barrel section of the bat.

The Examiner is invited to call the undersigned at his convenience to resolve any remaining issues. Please charge any additional fees required by this Amendment to Deposit Account No. 503176.

Respectfully submitted,

March 28, 2008

Date

/William Monty Simmons/

William Monty Simmons

Reg. No.: 53,910

Simmons Patents

P.O. Box 1560

Lenoir, NC 28645

(828) 757-9689